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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement submitted by the Asian Legal Resource Centre,
a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 December 1999]

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Violation of the human rights of women in Asia

1. The 1995 Beijing Platform for Action, which contained a comprehensive list of recommendations for the integration of the human rights of women and the gender perspective in all the concerns of the States Members of the United Nations, is currently under review by States as well as non-governmental organizations. The general impression of the progress made on implementation of the Platform for Action is that the gains which have been achieved, mostly by the tenacious efforts of NGOs, are miniscule compared to the persistence of discriminatory policies and violent practices committed by the State as well as private citizens or groups. Women are still impeded from participating in the society as equals, and are punished, either personally or as a group, when they defy or, through no fault of their own, are in contravention of the rules and controls which society imposes on them.

2. ALRC would like to highlight the following serious and systematic violations of the human rights of specific groups of women in some Asian countries. This is the life-threatening violence which is perpetrated on Asian women on a daily basis.

3. Myanmar: women in a war situation. The women and children of Myanmar bear the brunt of the suffering as the result of one of the longest civil wars of this century. Over 200,000 refugees, most of them women and children, have fled to Thailand. Women flee their country because under the SPDC (State Peace and Development Council) military dictatorship, women and children are forced by the military to build roads and rebuild buildings. They are not paid for their work and are beaten if they do not work hard enough. In the war zones, ethnic minority women are forced by SPDC soldiers to carry heavy loads of ammunition and supplies through the jungle. At night these women and girls are raped by the soldiers. In some cases, women and children have been used as minesweepers or as human shields during fighting.

4. Poverty and the lack of democracy under military rule in Myanmar have denied women adequate food and access to decent health care and many children cannot attend school. Thousands of women and girls each year leave Myanmar to work in prostitution in Thailand, in order to escape forced labour by the military and in order to sustain themselves and their families.

5. India: Dalit women - violence on the bases of caste and gender. Fifty years after independence, successive Governments of India have not made any progress in the elimination of discrimination and the ensuing violation of the rights of the Dalit population. Dalits (also referred to as "untouchables"; "Dalit" = "Broken" people) are deemed the lowest caste of human beings in the highly caste-stratified/conscious Indian society. They may not enter the higher-caste sections of villages, may not use the same wells, may not wear shoes in the presence of upper castes, may not visit the same temples, may not drink from the same cups in tea stalls or lay claim to land that is legally theirs. Dalit children are frequently made to sit in the back of classrooms. Dalit villagers have been the victims of many brutal massacres in recent years. Since the start of a Dalit rights movement in 1990, violence against Dalits has increased proportionate to the growth of the movement.

6. The "Charter of Dalit Human Rights" drawn up by the National Campaign on Dalit Human Rights describes the numerous violations of the rights of Dalits. The Indian Government

must be held accountable for the structural denial to 260 million Dalit men, women and children of their rights to have access to resources to maintain their livelihood, to education and adequate health care, and to participate in social, political and economic institutions. But, according to the Campaign Charter: "In India, the State and civil society go hand in glove in the denial of rights to the Dalits. While the State abets violations by the civil society it is forced to take sides with the dominant caste society in its favour."

7. Dalit women suffer threefold discrimination: on the basis of gender because they are women, on the basis of caste, because they are Dalits, and, as Dalit women, by their own menfolk (bases of gender and caste). In India caste and gender discrimination are perpetrated in their worst forms on Dalit women. The main areas of discrimination are with respect to the right to work and to just and favourable conditions of work, violations of article 23 of the Universal Declaration of Human Rights and articles 6 and 7 of the International Covenant on Civil and Political Rights.

8. Dalit women's labour is labelled unskilled and, therefore, is unrecognized, underpaid, and even unpaid. About 85 per cent of Dalit women work in the agricultural sector, which is unorganized and does not have the social security benefits found in organized sectors, such as maternity benefits, medical support, etc. Dalit mothers have to bring their infant children with them to work in the fields, where there are no childcare facilities. Sometimes they are not allowed to do this, and lose their jobs in the agricultural sector.

9. In urban areas, Dalit women also work in the unorganized, self-employed sector as hawkers, scrap collectors, petty traders and house servants. Or they may earn wages in domestic work, construction or small-scale manufacturing. In some areas Dalit women work as nightsoil removers, without any considerations for hygiene, for as little as one roti per day. All these sectors of employment are characterized by low wages, irregular work and wages, absence of social security, sexual harassment, and dependency on the whims of middlemen and employers.

10. Almost all Dalit women workers enter the labour market before the age of 20; 31 per cent of all girl children from Dalit communities are child workers. Girls' labour is needed, in agriculture and in household work, and poor people will choose not to spend money on the education of girls. Thus, there is a higher dropout rate for Dalit girls at all levels, and over 83 per cent drop out of school at the secondary stage. In addition, women are the ones who mainly take responsibility for cleaning, maintaining and running a household, and in fact, 70-75 per cent of Dalit households are female-headed. Since, on an average, 70 per cent of Dalit households have no electricity and more than 90 per cent have no sanitation facilities, Dalit women (and girls) have to spend a great amount of energy doing household labour, walking long distances to collect food, fodder, fuel and water.

11. Violation of the right to life and security, and freedom from torture or cruel, inhuman or degrading treatment or punishment (Universal Declaration of Human Rights, arts. 4,15,12). Incidents are regularly reported in various newspapers, in different states of India, illustrating the systematic manner in which Dalit women are subjected to extreme inhumane treatment, as punishment for asserting their rights, or standing up to dominant castes. Often police are standing by, or have done nothing to prosecute the perpetrators of crimes such as the following:

(a) Amta, 30, of Randevi village, under the jurisdiction of the Nakud police station, had her face blackened and her bottom thrashed for accusing two of her neighbours of a theft at her house (*Hindustan Times*, 18 September 1997);

(b) Five teenage girls in Bihar were raped and mutilated in an attempt by landlords to reassert authority over increasingly vocal Dalits. All five girls were shot in the vagina and their breasts cut off. In addition to the organized massacres of the residents of entire Dalit villages, private armies in Bihar practise unlawful and dehumanizing programmes aimed at insulting members of the lowest castes and preventing their rise in society. One of the most heinous crimes the Savarna Liberation Army's (SLA) mass rape campaign, conducted between March and July in Gaya and Jehanabad districts, when more than 200 Dalit women between the ages of 6 and 70 were raped. The perpetrators of these crime publicized each of the incidents. Because of the stigma attached to rape victims, the operation was such that it broke the morale of Dalits in many villages (*Frontline*, 12 March 1999);

(c) In Andhra Pradesh, a Dalit woman was paraded naked by upper-caste people following a petty dispute over using water from a borewell at Malasamudram village in Anantapur district. Thirteen people were arrested in this connection. The Dalit woman had argued with upper-caste women about her right to use the borewell. Later, the upper-caste people went on a rampage, damaging houses of Dalits and beating up the women (*The New Indian Express*, 19 September 1999).

12. Pakistan: sexual harassment at work and on the streets. Women in Pakistan are constantly being harassed, at work and on the street. But they do not report these incidents for fear of being restricted in their movements, the only form of "protection" available. Women also fear retaliation, stigmatization, and the uncooperative and humiliating attitude of officials and law enforcers. "If we raise a voice against such harassment, we are told that we should not go out of our homes", one woman dejectedly says. "Once I reported to policemen at a checkpost that I was being chased and teased but they asked me instead why I wasn't wearing a veil", says another. Human rights and women's organizations, both non-governmental and governmental, have acknowledged the seriousness of the situation.

13. The Human Rights Commission of Pakistan (HRCP) said in its annual report for 1999 that "It was not unusual for women to encounter remarks or experience physical push and shove in offices and shops, in houses and in other public places. These have ceased to offend only because of their recurrence." In Punjab Province, the HRCP documented 242 cases of crimes against women reported in the newspapers and magazines. Of these 113 were attempted rape incidents, and 77 involved stripping and assault of women in public. However, only fewer than half of the cases were registered with the police, and in only 23 of those cases were the accused taken into police custody. Although the Pakistan Penal Code prescribes punishments for sexual harassment offences, often policemen turn a blind eye even when they are approached by women.

14. The Islamabad-based Progressive Women's Association believes every second woman in Pakistan is a victim of a direct or indirect form of mental or physical violence. The most vulnerable are those who work in the informal sector, like domestic and brick-kiln workers.

15. An internal document assessing the impact of Islamic laws on women says: "In the past 15 years, discriminatory laws, along with exploitation of religion to control women's sexuality and productivity have been instrumental in increasing institutionalized violence in women's lives, both in the incidence of violence against women and in the number of women in prison."

16. The Government is committed to eliminating all forms of gender discrimination under the Convention on the Elimination of All Forms of Discrimination against Women. The Government's National Plan of Action (NPA), a follow-up to the 1995 Beijing Conference prepared in consultation with women's groups and rights organizations, admits to widespread sexual violence against women in the country, saying that it is rooted in the patriarchal system of male domination and female subordination. The NPA hoped to put in place redress mechanisms, where women could file complaints, by 2000. Also, management and labour inspectors were supposed to monitor sexual harassment in the workplace, but these measures have yet to materialize.

17. These are but a few situations, but they illustrate that deep-rooted prejudices against women still persist in Asian societies today. It is the responsibility of Asian Governments to take measures for radical change, in order for progress to be made in the protection and enhancement of the human rights of women, and so that all women can live lives free from discrimination and violence.

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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement* submitted by the North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

SELF-DETERMINATION OF THE IRAQI PEOPLE

1. Security Council sanctions against the Iraqi State have become a permanent punishment imposed on the entire Iraqi people. In addition to the multilateral sanctions, the United States and the United Kingdom unilaterally carry out almost daily bombardments of civilian populations and impose no-fly zones, creating a situation of permanent insecurity and making it impossible for Pope John Paul II to visit Iraq. The United States has done everything possible to stop the Pope from showing his solidarity with the Iraqi people, who are the victims of an embargo repeatedly condemned by the Catholic Church.

2. The United States also continuously interferes and is undermining the self-determination of the Iraqi people by overtly organizing and financing the Iraqi opposition, forcing it to toe the American line.

3. The Security Council, whose mandate is to ensure the settlement of conflicts and maintenance of peace, is imposing a sort of de facto protectorate on Iraq, which has resulted in the total destruction of the national economy (which has been set back by several decades) and deaths in large numbers among the weakest segments of the population (children, the sick, the destitute, etc.), and which makes for an uncertain future (particularly because of drop-outs from school as a result of disorganization and poverty).

4. Security Council resolution 1284 of 17 December 1999 renews the "oil-for-food" programme, a supposedly "humanitarian" measure that does not safeguard the basic right to food but makes it possible to hold down oil prices, and strengthens control over Iraq: it sets up a new body, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), to oversee the disarmament of Iraq and provide the United States with a possible pretext to prevent any sanctions from being lifted.

5. The fate of the Iraqi people thus depends on the rivalries between the major Powers and the manoeuvring of the United States, which has been noticeable on earlier occasions, notably in the framework of the United Nations Special Commission (UNSCOM) and the Sanctions Committee. This practice is contrary to the fundamental principles of the Charter of the United Nations and violates the Iraqi people's right to self-determination.

6. It would therefore appear that the Commission on Human Rights should deal not only with the overall consequences of the embargo that call into question human rights as a whole, but also the effects of the deadly American and British military strikes, which violate humanitarian law, and also the harmful effects of the "oil-for-food" resolution and the functioning of UNMOVIC, in order to help lift the sanctions that have been in force for 10 years.